

## **REMARKS**

Reconsideration and withdrawal of the rejection of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-23 are pending in this application. Independent claim 1 has been amended by this response. No new matter has been introduced. Support for this amendment is provided throughout the Specification and Drawings. Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. REJECTIONS UNDER 35 U.S.C. § 102(b) HAVE BEEN OVERCOME**

The Office Action rejects claims 1-13 and 16-21 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patents No. 5,840,378 to Nagura.

Amended claim 1 recites:

“A fabric having a fabric caliper, said fabric comprising one or more guides attached to machine direction edges of a wear surface of the fabric **so as to encapsulate approximately fifty percent or more of the fabric caliper** in a region where the guide is attached to the fabric.” (emphasis added)

Therefore, according to the instant invention, at least fifty percent of the fabric caliper is encapsulated by the guide in a region where the guide is attached to the fabric. On the contrary, Nagura clearly indicates that the guide ridge envelopes fifteen percent or less of the fabric, since the amount of the polyurethane resin in the antiflexing part is required to be such as to fill not less than 85% of the empty space in the woven fabric. *Nagura*, col. 5, lines 16-29. Furthermore,

Nagura also discloses that if this amount is less than 85%, the antiflexing part will produce an insufficient antiflexing effect and permit no sufficient fusion with the guide ridge. Therefore, if the percentage encapsulation by the guide ridge is as high as fifty percent (as recited in instant claim 1) in Nagura's fabric, then the fabric is rendered rather useless according to Nagura's disclosure. *Nagura*, col. 7, lines 24-27.

In paragraph 10 of the Office Action, the Examiner contends that he has relied upon layer 7 for the "guides" since the claims fail to define any structure to the guides that would distinguish from the prior art element 7. Applicants respectfully submit that the fabric comprising one or more guides attached to machine direction edges of a wear surface of the fabric is an integral feature of the product claimed and not merely drawn to an intended use. If not for the guides on the wear surface of the fabric, the fabric is rendered absolutely useless.

Further in the Office Action, the Examiner asserts that one could turn the belt inside out and it would read on the structure recited in the claims since the guide recitation contains no positive structural features that distinguish from the prior art containing a material which encapsulates at least 50% of the fabric. Applicants respectfully disagree. The term "wear" or machine side is commonly used in the industry. The recitation of the guides on the wear side in the claims is an essential feature of the claimed product since these guides must be able to guide the fabric as it progresses along its intended path by fitting into the peripheral grooves at the end of the rolls. The fabric will fail and move away from its intended path of travel if the guides are provided on the pulp side as compared to the wear sides 7.

Therefore, for at least the reasons discussed above, Applicants respectfully submit that independent claim 1 of the instant application patentably distinguishes over the relied upon

portions of Nagura and is therefore allowable. Claims 2-13 and 16-21 which depend from claim 1 are allowable therewith

Claims 1-13 and 16-17 were rejected under 35 U.S.C. § 102(b) as being anticipated by either U.S. Patents Nos. 3,523,867 to MacBean or 5,422,166 to Fleischer. The Examiner's rejections are traversed for at least the following reason.

MacBean and Fleisher teach crack and damage resistant strips and wear or abrasion resistant strips respectively. It is respectfully submitted that these are not "guides" as that term is defined in the instant application. Guides according to the instant application extend from the wear side surface of the fabric in order to guide the fabric as it progresses along its intended path, for example, by fitting into peripheral grooves at the end of rolls. It is therefore submitted that the wear and crack resistant strips described in MacBean and Fleisher are not guides and therefore cannot serve as guides that guide the fabric as it progresses along its intended path by fitting into the peripheral grooves at the end of rolls. Fleisher further clearly indicates that the abrasion resistant material extends outwardly below the running surface in the form of strips (col. 3, lines 65-67) and not in the form of "guides" that can fit into grooves on a roll.

In this regard, the Examiner ignores an essential feature of the claimed product; the existence of one or more guides attached to machine direction edges of a wear surface of the fabric. Accordingly, contrary to the Examiner's suggestion, no additional structure of the "guide" is necessary to distinguish this element from those features relied upon from the cited references. Therefore neither MacBean nor Fleisher teach each and every element of independent claim 1. Claim 1 is therefore allowable. Claims 2-13 and 16-17 depend from independent claim 1 and are allowable therewith. Accordingly, withdrawal of these rejections is requested.

### **III. REJECTIONS UNDER 35 U.S.C. § 103(a) HAVE BEEN OVERCOME**

The Examiner further rejects claims 1-21 as unpatentable over U.S. Patent No. 4,008,801 to Reiley. The Examiner incorrectly alleges that Reiley teaches the guide being “molded into the interstices of the fabric.” Complete analysis of the reference and particularly the portion cited by the Examiner reveal that the fabric portion of Reiley refers to is a fabric backing 32 which is applied to the base web 31 during molding. This fabric backing is **not** the fabric of the conveyor belt 16, but an additional fabric used in assembly of the belt. (Reiley, col. 3, lines 27-43) The base web 31, having the fabric backing 32 is then adhered to the belt 18 using a glue or adhesive and not through encapsulation. (Reiley, col. 5, lines 3-8). Nor does the fabric backing 32 relied upon by the Examiner have a wear side as recited in claim 1. Thus contrary to the Examiner’s suggestion there is no teaching or suggestion of the fabric recited in claim 1 of the instant application in Reiley. Claim 1 patentably distinguishes over Reiley and is therefore allowable. Claims 2-21, which depend from claim 1 are similarly allowable.

And as to the Examiner’s allegation that the recitation as to the guide being on the wear surface is relative and drawn to an intended use, Applicants submit that this recitation is a limitation since the term “wear” side is known in the industry and serves to positively recite the location of the guides.

### **CONCLUSION**

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable over the prior art, and an early and favorable consideration thereof is solicited.

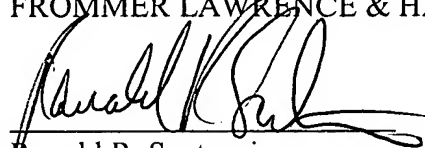
Statements appearing above with respect to the disclosure in the cited reference represent the present opinions of the Applicant's undersigned attorney and, in the event that the Examiner

disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

Please charge any fees incurred by reason of this response and not paid herewith to  
Deposit Account No. 50-0320.

Respectfully submitted,  
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